

1 **ELIZABETH M. BARROS**

California State Bar No. 227629

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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 (HONORABLE NITA L. STORMES)

10 UNITED STATES OF AMERICA,)

11 Plaintiff,)

12 v.)

13 ELIODORO ZAPATA-HERRERA,)

14 Defendant.)

Case No. 08MJ0546-NLS

DATE: April 24, 2008

TIME: 9:30 a.m.

NOTICE OF MOTION AND MOTION TO
RELEASE DEFENDANT AND DISMISS
COMPLAINT FOR VIOLATIONS OF 18 U.S.C.
§§ 3060, 3161, AND 4247.

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16 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY, AND
CAROLINE HAN, ASSISTANT UNITED STATES ATTORNEY:

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18 PLEASE TAKE NOTICE that on April 24, 2008, at 9:30 a.m., or as soon thereafter as counsel may
19 be heard, the defendant, Eliodoro Zapata-Herrera, by and through his attorneys, Elizabeth M. Barros and
20 Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the motion listed below.

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MOTION

Eliodoro Zapata-Herrera, the defendant in this case, by and through his attorneys, Elizabeth M. Barros and Federal Defenders of San Diego, Inc., pursuant to the Amendments to the United States Constitution, the Federal Rules of Criminal Procedure, 18 U.S.C. §§ 3060, 3161, 4241, 4247 and all other applicable statutes, case law and local rules, hereby moves this Court for an order:

1. Dismissing the Complaint and Releasing the Defendant.

This motion is based upon the instant motion and notice of motion, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may be adduced at the time of the hearing on the motion.

Respectfully submitted,

Dated: April 21, 2008

/s/ Elizabeth M. Barros
ELIZABETH M. BARROS
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Zapata-Herrera